

Florence, New Jersey 08518-2323
June 18, 2007

The regular meeting of the Florence Township Planning Board was held on the above date at the Municipal Complex, 711 Broad Street, Florence, NJ. Acting Chairman O'Hara called the meeting to order at 7:35 p.m. followed by a salute to the flag.

Acting Chairman O'Hara then read the following statement: "I would like to announce that this meeting is being held in accordance with the provisions of the Open Public Meetings Act. Adequate notice has been provided to the official newspapers and posted in the main hall of the Municipal Complex."

Upon roll call the following members were found to be present:

Gene DeAngelis
Councilman John Fratinardo
Mayor Michael Muchowski
Dennis A. O'Hara

Sean Ryan
Wayne Morris

ABSENT: Mildred Hamilton-Wood
John T. Smith
Carl Hintz, Board Planner

ALSO PRESENT: Solicitor Nancy T. Abbott
Engineer Dante Guzzi

Acting Chairman O'Hara stated for the record that he would be filling in for Chairperson Hamilton-Wood and Councilman Fratinardo would be filling in for Board Secretary Smith.

RESOLUTIONS

Resolution PB-2007-24

Granting to Ryan Homes (previous owner, Atlantic Equity Olive Street, LLC) modification of a condition of Preliminary and Final Major Subdivision approval, as set forth in Resolution No. PB-2005-42 and Resolution No. PB-2006-17, as regards the location of the affordable housing units on Block 147.01, Lot 1, located in an AA Active Adult Residential District.

Motion of DeAngelis, seconded by Ryan to approve Resolution PB-2007-24.

Upon roll call the Board voted as follows:

YEAS: Muchowski, Fratinardo, O'Hara, Ryan, DeAngelis
NOES: None
ABSENT: Hamilton-Wood, Smith

Resolution PB-2007-25

Granting Preliminary Major Subdivision approval with variances to ALBAX, LLC for Block 100, Lot 8.03, located in an RA Low Density Residential Zoning District.

Motion of DeAngelis, seconded by Morris to approve Resolution PB-2007-25.

Upon roll call the Board voted as follows:

YEAS: Fratinardo, Ryan, DeAngelis, O'Hara, Muchowski
NOES: None
ABSENT: Hamilton-Wood, Smith

Resolution PB-2007-26

Granting Preliminary and Final Major Site Plan approval to Whitesell Construction Company, Inc. for Block 158, Lot 1, located in a GM General Manufacturing Zoning District.

Motion of Fratinardo, seconded by DeAngelis to approve Resolution PB-2007-26.

Upon roll call the Board voted as follows:

YEAS: Fratinardo, O'Hara, Ryan, DeAngelis, Muchowski
NOES: None
ABSENT: Hamilton-Wood, Smith

Resolution PB-2007-27

Granting amended Preliminary and Final Major Site Plan approval to Burlington Assembly of God Church ("Fountain of Life") for construction of a storage facility, expansion of the parking area and reconfiguration of the fire lane on Block 170, Lot 6.01, located in an AGR Agricultural District of the Township.

Motion of Ryan, seconded by DeAngelis to approve Resolution PB-2007-27.

Upon roll call the Board voted as follows:

YEAS: DeAngelis, Fratinardo, Muchowski, O'Hara, Ryan
NOES: None
ABSENT: Hamilton-Wood, Smith

MINUTES

Motion of DeAngelis, seconded by Morris to approve the Minutes of the May 21, 2007 meeting as submitted. Motion unanimously approved by all members present.

CORRESPONDENCE

Member Ryan had a question about a correspondence that had been received regarding a violation notice from the Burlington County Soil District to K. Hovnanian regarding dust on Florence Columbus Road. (This was PB#2007-12C under the application PB#2007-12). Engineer Guzzi stated that his office works with the Soil Conservation District to try to ensure that the dust is kept at a minimum. Mayor Muchowski stated that this is an ongoing battle to minimize the negative impact on adjoining residents.

Motion of DeAngelis, seconded by Ryan to receive and file Correspondence A through H. Motion unanimously approved by all members present.

APPLICATIONS

Acting Chairman O'Hara called for application PB#2007-11 for Roma Bank. Applicant is requesting an extension of Preliminary Approval granted by the Planning Board on February 25, 2002 as outlined in Resolution PB-2002-07 for property located at 2150 Route 130, Block 166.13, Lot 1.

Solicitor Abbott stated that this application needed to be dismissed by the Board. She stated that Roma Bank was granted Preliminary Major Site Plan approval in 2002. This application was to request an extension of that approval. Preliminary Site Plan approval protects the developer from changes in the zoning for a period of 3 years. The Land Use Law allows 2 one year extensions to that period of approval, which is a total of 5 years. That 5 year period expired in April. So the application for any extension can't be heard because the developer is out of time. This doesn't mean that Preliminary Site plan has expired, just the protection from any changes in the zoning ordinance. Solicitor Abbott said that she had spoken to the applicant's attorney and suggested that they go ahead and file for Final Site Plan approval. The applicant is aware that the Board will be dismissing this application because they no longer have jurisdiction.

Motion of Muchowski, seconded by DeAngelis to dismiss the application due to the fact that the time for extension has expired.

Acting Chairman O'Hara and Member Ryan stated that they had a conflict and could not vote on this.

Upon roll call the Board voted as follows:

YEAS:	DeAngelis, Fratinardo, Muchowski, Morris
NOES:	None
ABSENT:	Hamilton-Wood, Smith

Acting Chairman O'Hara called for application PB#2007-12 for K. Hovnanian at Florence I, LLC (Manors at Crossroads). Applicant is requesting amended Final Major

Subdivision Approval for property located at Florence Columbus Road and Brown Boulevard, Block 165.01, Lots 2.10 and 2.13.

Michael Macaninch, attorney for K. Hovnanian Homes stated that also in attendance was Carl Karakos, the project engineer from Maitre Associates. Attorney Macaninch stated that the application is the same as what was approved by the Board 2 months ago for the Estates. This is for the relocation of the existing street tree easement and putting the utility easement outside of the existing right of way.

Attorney Macaninch stated that they had come in for the Estates with 2 different proposals for the resolution of the problem. The planning Board granted approval to have the street trees located within the right of way with a 6' wide grass strip and then outside of the right of way there would be a 10' utility easement. Attorney Macaninch stated that he could have Mr. Karakos put up the plan and address the reports from the Board's consultants.

Attorney Macaninch said that the review letters were fairly consistent with the prior reviews. The only point of discrepancy relates to the root barrier. He stated that in the prior resolution the Board did not require the root barrier. Attorney Macaninch stated that they would comply with all the review letters including the letter from Water and Sewer Director, David Lebak.

Mayor Muchowski asked if this application was identical to the application for the Estates that the Board had previously approved. Engineer Guzzi stated that this would result in the 2 developments, which is really one large development, to be consistent throughout.

Engineer Guzzi stated that the root barrier issue was based on the recommendation of the Shade Tree Commission. This is up to the Board. Engineer Guzzi stated that a condition would be to re-file the subdivision plan with the modified easements so that there are no questions in the future. Also there would be the restriction that Mr. Lebak had pointed out regarding the minimum distance of 10' between the utilities and trees.

Engineer Guzzi stated that in regards to the root barrier. The Shade Tree Commission had recommended the root barrier for the Estates. Planner Hintz's office had reasons as to why they did not recommend it and the Board did not require the root barrier for the Estates. Engineer Guzzi stated that the purpose of the root barriers is to force the roots to go down deeper and go underneath the sidewalks rather than lifting them up. The root barriers haven't been in use for very long and the success rate hasn't been determined yet.

Mayor Muchowski asked if the applicant was using root barriers in any other developments. Attorney Macaninch said that they had been using them in Chesterfield but Clarke Caton Hintz was the Planner there also and had advised against it so they stopped using them. Attorney Macaninch read from the resolution granting approval for the Estates: "Mr. Clemson testified: The present day construction of water and sewer pipes prevent root intrusion into the pipes unless the pipe is defective. With the types of

trees proposed most of the feeder roots would be within the first 18" of soil. The water and sewer laterals constructed at depth of 4' very few tree roots would grow deep enough to penetrate the system." Engineer Guzzi stated that their concern is basically the sidewalk, but since there is going to be the separation there shouldn't be a problem with the sidewalk.

Mayor Muchowski suggested doing half of the houses in the development with the root barriers to see if they work. Attorney Macaninch said that they would rather do all or none. Engineer Guzzi stated that they could defer back to the Shade Tree Commission to do the final recommendation. Mayor Muchowski said that the Board had approved the Estates with no root barrier. He asked that the Shade Tree Commission be consulted to see if they would like to have the root barriers used at the Manors. This would not hold the applicant up in any way.

Acting Chairman O'Hara opened the meeting to public comment. Hearing no one wishing to comment motion was made by Fratinardo, seconded by Ryan to close the public portion of the meeting. Motion unanimously approved by all members present.

Motion of Muchowski, seconded by Fratinardo to approve the amended application with the caveat that Engineer Guzzi has the authority to determine with the consultation of the Shade Tree Commission whether or not they will utilize the root barrier on these trees.

Upon roll call the Board voted as follows:

YEAS:	DeAngelis, Fratinardo, Muchowski, O'Hara, Ryan, Morris
NOES:	None
ABSENT:	Hamilton-Wood, Smith

OTHER BUSINESS

Acting Chairman O'Hara stated that the first item was the Re-examination of the Master Plan. The Board had received a copy of the Planner's report. Mayor Muchowski stated that the Board should wait to do the review or the Re-examination until next month when the planner is in attendance.

Mayor Muchowski mentioned the issue of the lot coverage in the RC zone. There are residents who come in to get a Zoning Permit to allow the construction of a small shed and they are being denied to due lot coverage. He stated that Council agrees with having conversation about permitting higher lot coverage percentages in the RC zone to allow for the construction of a shed. The Board had a discussion regarding the RC zone and possibly changing the bulk requirements to allow residents to construct a small shed without having to go before the Zoning Board for a variance.

Acting Chairman O'Hara asked if there was a way to find out what the typical lot coverage is for a house in the RC zone and show what the worse case scenario would be. Engineer Guzzi said that the worse case scenario based on the applications that have

come before the Board is the high 70's. He said that one of the issues now with the zone is that the individual row homes are not contemplated in the ordinance. The only thing the ordinance contemplates is a new multi-family structure. The minimum lot size is geared to the whole block of 10 townhouses. Consequently, none of the houses meet the zoning in place right now for lot size, lot width, setbacks etc.

Acting Chairman O'Hara asked about the age restricted units. Mayor Muchowski stated that they have larger coverage but there was language in the approvals regarding the coverage. Acting Chairman O'Hara said that they were pretty specific in those approvals as to what would be permitted. Solicitor Abbott said that if the ordinance has standards for lot coverage, the Zoning Board can grant a variance from the ordinance standards. If the lot coverage is a condition of a Planning Board resolution the Zoning Board can't grant a variance of that. Only the Planning Board can grant a modification of that condition.

Mayor Muchowski stated that he would like to see these standards relaxed a bit. Member Fratinardo stated that in Green Briar the only properties that could add a deck were the properties with a basement. This is maybe 40 homes in the whole development. The Association will not allow anyone to go greater than 250 square feet. Engineer Guzzi stated that the developer had the option of varying the lots, but they took the impervious up to the maximum for the development so there is no room for additional impervious coverage. Mayor Muchowski stated that the Planning Board had gone through this at length based on the grading and the drainage calculations.

Acting Chairman O'Hara asked about the different models of homes in Roebbling. Engineer Guzzi stated that in any zone you would never have every home being conforming. Mayor Muchowski said that he was suggesting that if you live in the RC zone and you are under "x" impervious coverage you are permitted to construct an "x" by "x" shed. The Board would have to determine what the impervious coverage percentage and the dimensions of the shed would be. If the property owner wanted to go bigger they have the right to go in front of the Board.

Member Ryan asked if in other municipalities they had an allowable size for sheds? Mayor Muchowski stated that Florence Township has an allowable shed but these properties are already over on impervious. Engineer Guzzi stated that the zone permits 40% and most of the properties far exceed this.

Acting Chairman O'Hara stated that he would like to see this amendment specific to sheds. Mayor Muchowski stated that he would like to have a couple of examples of coverage in the RC zone just to see what it is. He said that he would work with Engineer Guzzi and Tom Sahol on this issue.

Acting Chairman O'Hara asked if there was anyone present from the public to discuss the Master Plan. Hearing no one wishing to comment, Acting Chairman O'Hara announced that the discussion regarding the Master Plan would be continued at the July Board meeting.

Acting Chairman O'Hara announced that the second item under Other Business was the update on the landscaping plan for Griffin Pipe. He stated that the Board had received a report from Planner Hintz's office. Mayor Muchowski stated that there was a representative from Griffin Pipe at the meeting.

Acting Chairman O'Hara opened the meeting to public comment.

Joan Young, 1014 West Front Street stated that she lived across the street from the mound of dirt on Griffin's site. Griffin Pipe was supposed to remove this dirt and they haven't done a thing. She stated that she understood that Griffin couldn't do anything outside the fence because they needed the County approval. This should not stop them from doing work on their property.

Ms. Young stated that she spent an hour cleaning 2 windowsills this past week. She said that she had scrubbed the front of the house and repainted the porch and the dust blowing over from the Griffin site has made the house dirty again. Ms. Young said that ever since they took down the old building she has had problems with the dust. She stated that the site has dirt and garbage and she has to look at this. She can't afford to move. She is stuck there. She stated that at least the old building had been a barrier. She didn't have the dirt and garbage blowing over to her house.

Ms. Young stated that there was no excuse for them to not have at least started moving the dirt. She doesn't know what they will do with this dirt because it has coal dust in it and nothing can grow in this. She stated that she would like to have this dirt removed.

Hearing no one else wishing to comment the public portion was closed.

Albert M. Hatten, III, Environmental Engineer for Griffin Pipe stated that they had come with a tentative resolution with the Township Planner to move along with the work. They still do not have approval from the County yet. He stated that most of the work they will be doing is out of the county right-of-way so they should be able to move ahead, but the County has requested additional improvements along the road that Griffin is not in agreement with, so until they come to agreement with the County they can't move forward with the Township work.

Mayor Muchowski said that he would ask Administrator Richard Brook to look into this and try to get a resolution by next month.

Acting Chairman O'Hara said that Planner Hintz's report indicated that some of the details agreed upon in the March 28th meeting differ significantly than what was approved in the resolution at the time of Final approval. He asked if this would be treated as an administrative change? Mayor Muchowski said that he thought this could be done administratively. He stated that he thinks that the Board gave leeway to the Professionals to get the best scenario moving forward regarding improvements in the area that is most directly affecting the residential area.

Solicitor Abbott stated that the Planner had a question as to whether he could move ahead without the Board. She said that even though what was being proposed differed from what was approved in the resolution, the Board clearly gave a mandate to the Planner to work with the applicant. The Board members indicated that they were in agreement with this.

Member Ryan asked if there was an agreement with the bus stops. Mr. Hatten stated that the bus stop issue was not clear. They could not determine which bus stops should stay. He said that this issue would be worked out.

Acting Chairman O'Hara addressed Ms. Young stating that he was sure she understood that there were procedures that had to take place before work could get started. Ms. Young said that she could understand the county part, but she couldn't understand why they couldn't start removing the dirt on their own property. Acting Chairman O'Hara stated that according to previous discussion some of that dirt is going to be used for a berm. Until the plans are finalized with the Planner as to what plantings are going on the berm they cannot proceed with this. Ms. Young stated that she does not think anything will grow in that dirt. Mr. Hatten stated that they are going to bring in topsoil and as part of the conditions of approval they will be required to establish grass and maintain it.

Mr. Hatten stated that they do water down a large area to try to reduce the dust. They also have a street sweeper that they use on the impervious service.

Mr. Hatten invited Ms. Young to visit the facility and meet with him to discuss her concerns.

Motion of Muchowski, seconded by Ryan to approve this as an administrative change. Motion unanimously approved by all members present.

There was no public in attendance for public comments.

Acting Chairman O'Hara stated that he had attended the May meeting of the Zoning Board regarding the K. Hovnanian Use variance applications to permit off premise signs at the Crossroads and Crossroads East development. He stated that the proposed signs were huge. The applicant indicated that they would come back this month with a proposal for smaller signs. Acting Chairman O'Hara gave the Board an update and stated that he was concerned with the effect that these signs if approved would have on the OP zone when the plans come in for that portion of the site.

Motion of Fratinardo, seconded by DeAngelis to adjourn at 8:35 p.m. Motion unanimously approved by all members present.

John T. Smith, Secretary